



24
4-24-03
Mudis L

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APR 21 2003
TC 2800 MAIL ROOM

In re Application of:
Ravi Iyer

Serial No.: 09/059,865 ✓

Filed: April 14, 1998 ✓

For: PLANARIZATION USING PLASMA
OXIDIZED AMORPHOUS SILICON

§
§
§
§
§
§
§
§


Group Art Unit: 28132800

Examiner: Nguyen, T.

Atty Docket: MICS:0015--2/FLE
93-118.02

ASSISTANT COMMISSIONER
FOR PATENTS

WASHINGTON, D.C. 20231

EXPRESS MAIL MAILING LABEL	
NUMBER:	EV 173 541 631 US
DATE OF DEPOSIT:	April 17, 2003
<i>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the U.S. Postal Service, "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</i>	
April 17, 2003	
Date	Michael G. Fletcher

Sir:

**LETTER TO EXAMINER IN RESPONSE
TO DECISION ON REQUEST FOR REHEARING**

In response to the Decision on Request for Rehearing mailed on March 24, 2003, for the above-referenced application, Applicant respectfully requests reconsideration of the above-referenced application in view of the remarks set forth below.

REMARKS

In the Decision on Request for Rehearing, the Board reversed the Examiner's rejection of claims 18-23 under 35 U.S.C. § 103. Furthermore, in the Decision on Appeal mailed on September 25, 2002, the Board reversed the Examiner's rejection of claims 18-23 under 35 U.S.C. § 112. Therefore, the only remaining issue relates to the Examiner's

rejection of claims 12-23 under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 5,872,052.

Although Applicant attempted to obviate this rejection by submitting a Terminal Disclaimer in a Supplement to Request for Rehearing under 37 C.F.R. § 1.197(b), the Board treated the Supplement as a second request for rehearing and, thus, did not consider the Terminal Disclaimer. Accordingly, Applicant submits herewith a copy of the properly executed Terminal Disclaimer to obviate the remaining rejection under the judicially created doctrine of obviousness-type double patenting.

In view of the remarks set forth above, Applicant respectfully submits that the above-referenced application is now in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw all outstanding rejections and pass the application to issuance.

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.


General Authorization for Fee Payment and Extensions of Time

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicants authorize the Commissioner to

charge any possible Terminal Disclaimer fee if not already charged, as well as the appropriate fee for any extension of time to Deposit Account No. 13-3092; Order No. MICS:0015--2/FLE (93-118.02).

Respectfully submitted,

Date: April 17, 2003



Michael G. Fletcher
Reg. No. 32,777
FLETCHER, YODER & VAN SOMEREN
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545